

U.S.S.N. 10/717,251

Filed: November 19, 2003

AMENDMENT AND RESPONSE TO OFFICE ACTION

Remarks

Rejection Under 35 U.S.C. § 102

Claims 28-39 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,985,320 to Edwards et al. ("Edwards"). Applicants respectfully traverse this rejection to the extent that it is applied to the claims as amended.

Claims 28, 30 and 32 have been amended. New claims 40-43 have been added. Support for the amendments to claims 28, 32, 40, and 41 can be found in the specification at least at page 11, lines 2-4. Claim 30 has been amended to depend from claim 28 as amended. Support for new claims 42 and 43 can be found in the specification at least at page 11, line 3.

The claims define polysaccharide compositions, other than those in Edwards, which are limited to compositions having an apparent viscosity between 10 and 2000 Poise. The amended claims define polysaccharide compositions wherein the composition has an apparent viscosity of less than 10 Poise or greater than 2000 Poise at a shear stress of between approximately 1 and 200 Pascal. This is neither disclosed by nor obvious in view of Edwards. Therefore the claims as amended are novel over Edwards.

Double Patenting Rejection

Claims 28-39 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 of U.S. Patent No. 6,652,873 to Deaver et al. ("Deaver"). Applicants will submit a terminal disclaimer when the claims are otherwise determined to be patentable.

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Allowance of claims 28-43, as amended, is respectfully solicited.

Respectfully submitted,

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Date: November 16, 2004

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